



Office of the Attorney General

State of Texas

July 31, 1998

DAN MORALES
ATTORNEY GENERAL

Mr. Saul Pedregon
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
City Hall
Dallas, Texas 75201

OR98-1809

Dear Mr. Pedregon:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 117041.

The City of Dallas Police Department (the "department") received a request for several offense reports concerning two individuals charged and "convicted of sexual abuse of a child." In response to the request, you submit to this office for review the information which you assert is responsive. You assert that the requested records contain information that may be confidential and excepted from disclosure under section 552.101, in conjunction with section 261.201 of the Family Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 261.201(a) of the Family Code reads as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with . . . [the Family] code and applicable federal or state law or under rules adopted by an investigating agency:

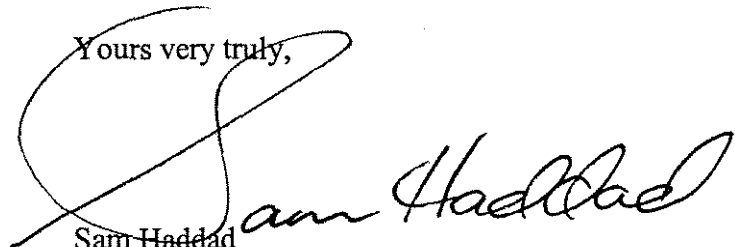
(1) a report of alleged or suspected abuse or neglect made under . . . chapter [261 of the Family Code] and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under . . . chapter [261 of the Family Code] or in providing services as a result of an investigation.

The submitted information apparently consists of documents which we believe to be "reports, records, communications, and working papers used or developed" in an investigation conducted under and subject to chapter 261 of the Family Code. Because you have not cited any specific rule that the department has adopted with regard to the release of this type of information, we assume that no such regulation exists. Given that assumption, the requested records are confidential pursuant to section 261.201 (a) of the Family Code. See Open Records Decision No. 440 (1986) at 2 (predecessor statute). Consequently, the department must withhold the requested information pursuant to section 261.201(a) of the Family Code, in conjunction with section 552.101 of the Government Code.

As we resolve your request under section 552.101, in conjunction with section 261.201 of the Family Code, we need not specifically address your other arguments at this time. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Sam Haddad
Assistant Attorney General
Open Records Division

SH/mjc

Ref: ID# 117041

Enclosures: Submitted documents

cc: Ms. Roxanne M. Gonzalez
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(w/o enclosures)